

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ERNESTO DUGAR,  
Plaintiff,  
v.  
DONALD H. TOOMER,  
Defendant.

Case No. [13-cv-04226-WHO](#)

**ORDER TO SHOW CAUSE RE:  
DISMISSAL**

Re: Dkt. Nos. 17, , 20

On November 6, 2013, the Court entered the Order on “Ex-Parte Motion: Plaintiff Declaration to the Court” in which the plaintiff’s ex parte motion was denied because service had not been made on the defendant. Dkt. 18. Plaintiff was reminded that “the defendant must be served within 120 days of the Complaint’s filing or the case may be dismissed.” Dkt. 18 (emphasis in original). The Complaint was filed on September 12, 2013, so service should have been effected by January 10, 2014. No service has occurred as of the date of this Order To Show Cause Re: Dismissal.

The November 6 Order also set a Case Management Conference for today’s date and required that the parties file a Joint Case Management Conference Statement on January 28, 2014. No statement was filed, and plaintiff did not appear at the Case Management Conference.

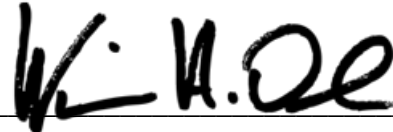
In light of these facts, plaintiff is ordered to show cause why this case should not be dismissed for failure to serve the complaint in compliance with Federal Rule of Civil Procedure 4(m). A hearing on this Order To Show Cause shall be held on February 18, 2014 at 2 p.m. in Courtroom 2. If plaintiff is able to show good cause for the failure to serve defendant, the Court will allow the case to proceed. Otherwise, the case will be dismissed without prejudice.

The Court again advises the plaintiff to seek the assistance of the Legal Help Center to help prepare his case, serve the defendant, and respond to this Order. The Legal Help Center can be

1 reached at 415-782-8982 and is located on the 15th Floor, Room 2796, of the courthouse at 450  
2 Golden Gate Avenue in San Francisco.

3 **IT IS SO ORDERED.**

4 Dated: February 4, 2014

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6 WILLIAM H. ORRICK  
7 United States District Judge  
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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ERNESTO DUGAR,  
Plaintiff,

Case Number: CV13-04226 WHO

**CERTIFICATE OF SERVICE**

v.

DONALD H. TOOMER et al,  
Defendant.


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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 4, 2014, I SERVED a true and correct copy of the attached, by placing said copy in a postage paid envelope addressed to the person hereinafter listed, by depositing said envelope in the U.S. Mail.

Ernesto Dugar  
3408 66<sup>th</sup> Avenue, #D  
Oakland, CA 94605

Dated: February 4, 2014

  
Richard W. Wieking, Clerk  
By: Jean Davis, Deputy Clerk